

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|---------------------------------------|---|-----------------------|
| Commodity Futures Trading Commission, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 20-3758 |
| vs. |) | |
| |) | Hon. Thomas A. Durkin |
| |) | |
| Long Leaf Trading Group, Inc. et al. |) | |
| |) | |
| Defendants. |) | |

NOTICE OF APPEAL

Notice is hereby given that Defendant James A. Donelson appeals to the United States Court of Appeals for the Seventh Circuit this Court's March 29, 2023, Final Judgment and all other Orders and Opinions which have become final as a result of the March 29, 2023, Final Judgment, including, but not limited to, the Opinion and Orders entered in this action on July 27, 2022, and December 6, 2022, respectively, granting Plaintiff's Motion for Partial Summary Judgment and Plaintiff's Motion for Supplemental Relief. Defendant appeals the Court's ruling only as to Defendant James A. Donelson.

Dated: April 27, 2023

Respectfully submitted,

Defendant James A. Donelson

BY: **/s/ Charles E. McElvenny**

Charles McElvenny, JD, MSA
Law Office of Charles E. McElvenny
1509 Waukegan Road
Suite 1133
Glenview, IL 60025
312-291-8330
charlie@cemlawfirm.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
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| Commodity Futures Trading Commission, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 20-3758 |
| vs. |) | |
| |) | Hon. Thomas A. Durkin |
| |) | |
| Long Leaf Trading Group, Inc. et al. |) | |
| |) | |
| Defendants. |) | |

**DEFENDANT-APPELLANT JAMES A. DONELSON’S
DOCKETING STATEMENT**

Defendant-Appellant JAMES A. DONELSON, through his undersigned counsel, submits the following docketing statement pursuant to Circuit Rules 3(c)(1) and 28(a):

1. Jurisdiction of the District Court. This action was originally filed in the United States District Court for the Northern District of Illinois. Plaintiff’s complaint was an action under Commodity Exchange Act (“Act”), 7 U.S.C §§ 1- 26 (2018), and accompanying Commission Regulations (“Regulations”), 17 C.F.R. pts. 1-190 (2019) alleging violations of the Act and Regulations; the Complaint also sought injunctive relief. The district court had federal question jurisdiction under 28 U.S.C. § 1331, and supplemental jurisdiction pursuant to 28 U.S.C. § 1345 and Section 6c(a) of the Act, 7 U.S.C. § 13a-1(a) (2018).

2. Appellate Jurisdiction. The United States Court of Appeals for the Seventh Circuit has jurisdiction over this appeal pursuant to 28 U.S.C. § 1291 in that Defendant James A. Donelson has filed a timely notice of appeal from a final judgment in the United States District Court for the Northern District of Illinois.

(i) The Date of the Entry of Judgment or the Decree(s) Sought to Be Reviewed:

- (1) The March 29, 2023, Final Judgment entered by the District Court and all related Orders including, but not limited to, the Opinion and Orders entered in this action on July 27, 2022, and December 6, 2022, respectively, granting Plaintiff's Motion for Partial Summary Judgment and Plaintiff's Motion for Supplemental Relief

(ii) The Filing Date of Any Motion for a New Trial or Alteration of the Judgment or Any Other Motion Claimed to Toll the Time Within Which to Appeal.
None.

(iii) The Disposition of Such a Motion and the Date of its Entry. Not applicable.

(iv) The Filing Date of the Notice of Appeal (Together with Information about an Extension of Time If One Was Granted). Defendant's Notice of Appeal is filed simultaneously herewith on April 27, 2023.

(v) If the Case Is a Direct Appeal from the Decision of a Magistrate Judge, the Dates on Which Each Party Consented in Writing to the Entry of Final Judgment by the Magistrate Judge. Not applicable.

3. Information If the Appeal Is from an Order Other than from a Final Judgment.

Not applicable.

Dated: April 27, 2023

Respectfully submitted,
Defendant James A. Donelson

BY: **/s/ Charles E. McElvenny**
Charles McElvenny, JD, MSA
Law Office of Charles E. McElvenny
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Suite 1133
Glenview, IL 60025
312-291-8330
charlie@cemlawfirm.com

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.6.3
Eastern Division**

Commodity Futures Trading Commission

Plaintiff,

v.

Case No.: 1:20–cv–03758

Honorable Thomas M. Durkin

Long Leaf Trading Group, Inc., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, March 29, 2023:

MINUTE entry before the Honorable Thomas M. Durkin: CFTC's motion for entry of final judgment [123] is granted. Enter order. The telephone status hearing set for 4/7/2023 is vacated. Civil case terminated. Mailed notice. (ecw,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Commodity Futures Trading Commission,
Plaintiff

v.

Long Leaf Trading Group, Inc., James A.
Donelson, Timothy M. Evans, Jeremy S.
Ruth, and Andrew D. Nelson,
Defendants

Case No. 20-cv-3758

Judge Thomas M. Durkin

FINAL JUDGMENT

Final judgment is hereby ENTERED in favor of Plaintiff Commodity Futures Trading Commission (“Commission” or “CFTC”) and against Defendants Long Leaf Trading Group, Inc. (“Long Leaf”), James A. Donelson, Jeremy S. Ruth, Timothy M. Evans, and Andrew D. Nelson (collectively, “Defendants”), on all counts. The Court’s judgments as to liability against these Defendants were previously entered on the CFTC’s various summary judgment motions, motions for supplemental relief, and motions for default judgment. (Docs. 106, 118, 122.)

It is hereby ORDERED AND ADJUDGED as follows:

I. PERMANENT INJUNCTION

1. Defendants, along with their affiliates, agents, servants, employees, successors, assigns, attorneys, and all persons in active concert with them, are permanently enjoined and prohibited from directly or indirectly:

a. Trading on or subject to the rules of any registered entity (as that term is defined by Section 1a(40) of the Commodity Exchange Act (“Act”), 7 U.S.C. § 1a(40));

- b. Entering into any transaction involving “commodity interests” (as that term is defined in CFTC Regulation 1.3, 17 C.F.R. § 1.3), for accounts held in the name of any Defendant or for accounts in which any Defendant has a direct or indirect interest;
- c. Having any commodity interests traded on any Defendant’s behalf;
- d. Controlling or directing the trading for or on behalf of any other person or entity, whether by power of attorney or otherwise, in any account involving commodity interests;
- e. Soliciting, receiving, or accepting any funds from any person for the purpose of purchasing or selling of any commodity interests; and
- f. Acting as a principal (as that term is defined in Regulation 3.1(a), 17 C.F.R. § 3.1(a), agent, or any other officer or employee of any person registered, exempted from registration, or required to be registered with the CFTC except as provided for in 17 C.F.R. § 4.14(a)(9).

2. Defendant Long Leaf Trading Group, Inc., and its affiliates, agents, servants, employees, successors, assigns, attorneys, and all persons in active concert with it, who receive actual notice of such order by personal service or otherwise, are hereby enjoined and prohibited from engaging in the conduct described in the Complaint (Doc. 1), in violation of 7 U.S.C. §§ 6c(b), 6k(1), 6m(1), 6o, and 17 C.F.R. §§ 4.31(a), (b), 4.36(d)(1), 4.41(a), 33.3(b)(2), 33.10.

3. Defendant James A. Donelson and his affiliates, agents, servants, employees, successors, assigns, attorneys, and all persons in active concert with him, who receive actual notice of such order by personal service or otherwise, are hereby enjoined and prohibited from engaging in the conduct described in the Complaint, in violation of 7 U.S.C. §§ 6c(b), 6k(1),

6m(1), and 6o, and 17 C.F.R. §§ 3.12(a), 4.31(a), (b), 4.36(d)(1), 4.41(a), 33.3(b)(1), (2), and 33.10.

4. Defendant Timothy M. Evans, and his affiliates, agents, servants, employees, successors, assigns, attorneys, and all persons in active concert with him, who receive actual notice of such order by personal service or otherwise, are hereby enjoined and prohibited from engaging in the conduct described in the Complaint, in violation of 7 U.S.C. §§ 6c(b), 6k(1), 6m(1), and 6o, and 17 C.F.R. § 4.31(a), (b), 4.36(d)(1), 4.41(a), 33.3(b)(2), and 33.10.

5. Defendant Jeremy Ruth, and his affiliates, agents, servants, employees, successors, assigns, attorneys, and all persons in active concert with him, who receive actual notice of such order by personal service or otherwise, are hereby enjoined and prohibited from engaging in the conduct described in the Complaint, in violation of 7 U.S.C. §§ 6c(b), 6o, and 17 C.F.R. § 33.10.

6. Defendant Andrew D. Nelson, and his affiliates, agents, servants, employees, successors, assigns, attorneys, and all persons in active concert with him, who receive actual notice of such order by personal service or otherwise, are hereby enjoined and prohibited from engaging in the conduct described in the Complaint, in violation of 7 U.S.C. §§ 6c(b), 6k(1), 6o, and 17 C.F.R. §§ 3.12(a), 33.10, 33.3(b)(1).

II. MONETARY RELIEF

A. RESTITUTION

7. Defendants, as well as any successors thereof, shall make full restitution to every person who has sustained losses proximately caused by Defendants' violations of the Act and Regulations as described in the Complaint, including post-judgment interest, ("Restitution Obligation") as follows:

- a. Defendant Long Leaf Trading shall pay restitution in the amount of \$5,767,145.
- b. Defendant James A. Donelson shall pay restitution in the amount of \$2,376,738.
Donelson is jointly and severally liable with Long Leaf Trading for this amount.
- c. Defendant Timothy M. Evans shall pay restitution in the amount of \$3,390,407.
Evans is jointly and severally liable with Long Leaf Trading for this amount.
- d. Defendant Jeremy S. Ruth shall pay restitution in the amount of \$301,541.39.
- e. Defendant Andrew D. Nelson shall pay restitution in the amount of \$26,356.

8. To effect payment of the Restitution Obligation and the distribution of any restitution payments to Defendants' customers, the Court appoints the National Futures Association ("NFA") as Monitor ("Monitor"). The Monitor shall receive restitution payments from Defendants and make distributions as set forth below. Because the Monitor is acting as an officer of this Court in performing these services, the NFA shall not be liable for any action or inaction arising from NFA's appointment as Monitor, other than actions involving fraud.

9. Defendants shall make Restitution Obligation payments, and any post-judgment interest payments, under this Order to the Monitor in the name "Long Leaf Trading Restitution Fund" and shall send such payments by electronic funds transfer, or by U.S. postal money order, certified check, bank cashier's check, or bank money order, to the Office of Administration, National Futures Association, 300 South Riverside Plaza, Suite 1800, Chicago, Illinois 60606 under cover letter that identifies the paying Defendant and the name and docket number of this proceeding. Defendants shall simultaneously transmit copies of the cover letter and the form of payment to the Chief Financial Officer, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, D.C. 20581.

10. The Monitor shall oversee the Restitution Obligation and shall have the discretion to determine the manner of distribution of such funds in an equitable fashion to Defendants' customers identified by the Commission or may defer distribution until such time as the Monitor deems appropriate. In the event that the amount of Restitution Obligation payments to the Monitor are of a *de minimis* nature such that the Monitor determines that the administrative cost of making a distribution to eligible customers is impractical, the Monitor may, in its discretion, treat such restitution payments as civil monetary penalty payments, which the Monitor shall forward to the Commission following the instructions for civil monetary penalty payments set forth in Part II.C. below.

11. Defendants shall cooperate with the Monitor as appropriate to provide such information as the Monitor deems necessary and appropriate to identify Defendants' customers whom the Monitor, in its sole discretion, may determine to include in any plan for distribution of any Restitution Obligation payments. Defendants shall execute any documents necessary to release funds that they in any repository, bank, investment or other financial institution, wherever located, in order to make partial or total payment toward the Restitution Obligation.

12. The Monitor shall provide the Commission at the beginning of each calendar year with a report detailing the disbursement of funds to Defendants' customers during the previous year. The Monitor shall transmit this report under a cover letter that identifies the name and docket number of this proceeding to the Chief Financial Officer, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, D.C. 20581.

13. The amounts payable to each customer shall not limit the ability of any customer from proving that a greater amount is owed from any Defendant or any other person or entity,

and nothing herein shall be construed in any way to limit or abridge the rights of any customer that exist under state or common law.

14. Pursuant to Rule 71 of the Federal Rules of Civil Procedure, each customer of Defendants who suffered a loss is explicitly made an intended third-party beneficiary of this Order and may seek to enforce obedience of this Order to obtain satisfaction of any portion of the restitution that has not been paid by Defendants to ensure continued compliance with any provision of this Order and to hold Defendants in contempt for any violations of any provision of this Order.

15. To the extent that any funds accrue to the U.S. Treasury for satisfaction of Defendants' Restitution Obligation, such funds shall be transferred to the Monitor for disbursement in accordance with the procedures set forth above.

B. DISGORGEMENT

16. Defendants, as well as any third-party transferee and/or successors thereof, shall disgorge all benefits received including, but not limited to, salaries, commissions, loans, fees, revenues, and trading profits derived, directly or indirectly, from acts or practices which constitute violations of the Act and Regulations as described in the Complaint, including post-judgment interest, ("Disgorgement Obligation") as follows:

- a. Defendant Long Leaf Trading shall pay disgorgement in the amount of \$4,010,994.
- b. Defendant James A. Donelson shall pay disgorgement in the amount of \$1,235,413. Donelson is jointly and severally liable with Long Leaf Trading for this amount.

c. Defendant Timothy M. Evans shall pay disgorgement in the amount of \$3,083,978. Evans is jointly and severally liable with Long Leaf Trading for this amount.

d. Defendant Jeremy S. Ruth shall pay disgorgement in the amount of \$301,541.39.

e. Defendant Andrew D. Nelson shall pay disgorgement in the amount of \$26,356.

17. Any amount owed in disgorgement by any Defendant shall be offset by any sum paid by that Defendant toward restitution. Any amount owed in disgorgement by any Defendant shall be offset by any sum paid by another Defendant with whom any Defendant is jointly or severally liable.

18. Defendant shall pay their respective Disgorgement Obligations and any post-judgment interest by electronic funds transfer, U.S. postal money order, certified check, bank cashier's check, or bank money order. If payment is to be made other than by electronic funds transfer, then the payment shall be made payable to the Commodity Futures Trading

Commission and sent to the address below:

MMAC/ESC/AMK326
Commodity Futures Trading Commission
Division of Enforcement
6500 S. MacArthur Blvd.
HQ Room 181
Oklahoma City, OK 73169
(405) 954-6569 office
(405) 954-1620 fax
9-AMC-AR-CFTC@faa.gov

19. If payment by electronic funds transfer is chosen, Defendants shall contact Marie Thorne or her successor at the address above to receive payment instructions and shall fully comply with those instructions. Defendants shall accompany payment of the Disgorgement Obligation with a cover letter that identifies Defendants and the name and docket number of this

proceeding. Defendant shall simultaneously transmit copies of the cover letter and the form of payment to the Chief Financial Officer, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, D.C. 20581.

C. CMP

20. Each Defendant shall pay a civil monetary penalty (“CMP Obligation”) as follows:

- a. Defendant Long Leaf Trading shall pay a CMP in the amount of \$1,387,790.50.
- b. Defendant James A. Donelson shall pay a CMP in the amount of \$617,706.50.
- c. Defendant Timothy M. Evans shall pay a CMP in the amount of \$9,251,934.
- d. Defendant Jeremy S. Ruth shall pay a CMP in the amount of \$150,770.50.
- e. Defendant Andrew D. Nelson shall pay a CMP in the amount of \$199,094.

21. Payment of the CMP by any Defendant shall be affected in the same manner as payment of the Disgorgement Obligation, as set forth in Paragraph 18.

III. OTHER PROVISIONS

22. Partial Satisfaction: Acceptance by the Commission or the Monitor of any partial payment of any Defendant’s Restitution Obligation, Disgorgement Obligation, or CMP Obligation shall not be deemed a waiver of its obligation to make further payments pursuant to this Order, or a waiver of the Commission’s right to seek to compel payment of any remaining balance.

23. Continuing Jurisdiction of this Court: This Court shall retain jurisdiction of this action to ensure compliance with this Order and for all other purposes related to this action, including any motion by Defendants to modify or for relief from the terms of this Order.

24. Injunctive and Equitable Relief Provisions: The injunctive and equitable relief provisions of this Order shall be binding Defendants, upon any person under the authority or control of any of the Defendants, and upon any person who receives actual notice of this Order, by personal service, e-mail, facsimile or otherwise insofar as he or she is acting in active concert or participation with Defendants.

There being no just reason for delay, the Clerk of the Court is hereby ordered to enter this FINAL JUDGMENT forthwith and without further notice.

Dated: March 29, 2023

A handwritten signature in black ink, reading "Thomas M. Durkin", written in a cursive style.

Thomas M. Durkin
United States District Judge

APPEAL,HARJANI,PROTO,TERMED

United States District Court
Northern District of Illinois - CM/ECF NextGen 1.7.1.1 (Chicago)
CIVIL DOCKET FOR CASE #: 1:20-cv-03758
Internal Use Only

Commodity Futures Trading Commission v. Long Leaf Trading
Group, Inc. et al
Assigned to: Honorable Thomas M. Durkin
Demand: \$9,999,000
Cause: 7:6(b) Federal Commodity Exchange Regulation

Date Filed: 06/26/2020
Date Terminated: 03/29/2023
Jury Demand: Both
Nature of Suit: 850
Securities/Commodities
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Commodity Futures Trading
Commission**

represented by **Ashley John Burden**
Commodity Futures Trading Commission
Division of Enforcement
77 W. Jackson Blvd.
Ste. 800
Chicago, IL 60604
312-596-0693
Email: aburden@cftc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth M. Streit
U.S. Commodity Futures Trading
Commission
77 West Jackson Blvd.,
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ATTORNEY TO BE NOTICED

Joseph Platt
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ATTORNEY TO BE NOTICED

Robert Thomas Howell, III
Commodity Futures Trading Commission

525 W. Monroe St.
Suite 1100
Chicago, IL 60661
312 596 0590
Email: rhowell@cftc.gov
ATTORNEY TO BE NOTICED

Scott Robert Williamson
U.S. Commodity Futures Trading
Commission
77 West Jackson Blvc
Suite 800
Chicago, IL 60604
(312) 596-0560
Email: swilliamson@cftc.gov
ATTORNEY TO BE NOTICED

V.

Defendant

Long Leaf Trading Group, Inc.

represented by **James M. Falvey**
Law Office of James Falvey
200 S. Wacker Drive
Suite 3100
Chicago, IL 60606
(312) 404 5839
Email: jimfalvey@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laurence M. Landsman
Landsman Saldinger Carroll, PLLC
161 North Clark Street
Suite 1600
Chicago, IL 60601
312-291-4650
Email: landsman@lsclegal.com
TERMINATED: 11/17/2020

Nicholas P. Iavarone
The Iavarone Law Firm
561 Arbor Lane
South Elgin, IL 60177
(312) 636-9466
Email: niavarone@iavaronefirm.com
TERMINATED: 10/29/2020

Defendant

James A. Donelson

represented by **Charles Edward McElvenny**
Law Office of Charles E McElvenny
1509 Waukegan Road
#1133
Glenview, IL 60025
847-544-8841
Email: charlie@cemlawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James M. Falvey
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laurence M. Landsman
(See above for address)
TERMINATED: 11/17/2020

Nicholas P. Iavarone
(See above for address)
TERMINATED: 10/29/2020

Defendant

Timothy M. Evans

Defendant

Jeremy S. Ruth

represented by **Jeremy S. Ruth**
11220 Brista Way
Austin, TX 78726
(512) 492-2209
PRO SE

Andrew S. May
Hinshaw & Culbertson LLP
151 North Franklin Street
Suite 2500
Chicago, IL 60606
312-704-3400
Email: amay@hinshawlaw.com
TERMINATED: 02/03/2021

Defendant

Andrew D. Nelson

Movant


Edward Johnson III

| Date Filed | # | Docket Text |
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| | | |
|------------|---------------------------|--|
| 06/26/2020 | <u>1</u> | COMPLAINT filed by Commodity Futures Trading Commission; Jury Demand. (Burden, Ashley) (Entered: 06/26/2020) |
| 06/26/2020 | <u>2</u> | CIVIL Cover Sheet (Burden, Ashley) (Entered: 06/26/2020) |
| 06/26/2020 | <u>3</u> | ATTORNEY Appearance for Plaintiff Commodity Futures Trading Commission by Ashley John Burden (Burden, Ashley) (Entered: 06/26/2020) |
| 06/26/2020 | | CASE ASSIGNED to the Honorable Thomas M. Durkin. Designated as Magistrate Judge the Honorable Sunil R. Harjani. Case assignment: Random assignment. (gw,) (Entered: 06/26/2020) |
| 06/26/2020 | <u>4</u> | ATTORNEY Appearance for Plaintiff Commodity Futures Trading Commission by Elizabeth M. Streit (Streit, Elizabeth) (Entered: 06/26/2020) |
| 06/26/2020 | | SUMMONS Issued as to Defendants Timothy M. Evans, Andrew D. Nelson, and Jeremy S. Ruth. (acm,) (Entered: 06/26/2020) |
| 06/26/2020 | <u>5</u> | ATTORNEY Appearance for Plaintiff Commodity Futures Trading Commission by Robert Thomas Howell, III (Howell, Robert) (Entered: 06/26/2020) |
| 06/26/2020 | <u>6</u> | ATTORNEY Appearance for Plaintiff Commodity Futures Trading Commission by Scott Robert Williamson (Williamson, Scott) (Entered: 06/26/2020) |
| 07/06/2020 | <u>7</u> | WAIVER OF SERVICE returned executed by Commodity Futures Trading Commission. James A. Donelson waiver sent on 6/29/2020, answer due 8/28/2020. (Burden, Ashley) Modified on 7/7/2020 (smm,). (Entered: 07/06/2020) |
| 07/06/2020 | <u>8</u> | WAIVER OF SERVICE returned executed by Commodity Futures Trading Commission. Long Leaf Trading Group, Inc. waiver sent on 6/29/2020, answer due 8/28/2020. (Burden, Ashley) Modified on 7/7/2020 (smm,). (Entered: 07/06/2020) |
| 07/07/2020 | <u>9</u> | WAIVER OF SERVICE returned executed by Commodity Futures Trading Commission. Jeremy S. Ruth waiver sent on 6/30/2020, answer due 8/31/2020. (Burden, Ashley) Modified on 7/9/2020 (smm,). (Entered: 07/07/2020) |
| 07/10/2020 | <u>10</u> | ORDER Fifth Amended General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY Signed by the Chief Judge Rebecca R. Pallmeyer on July 10, 2020. This Order does not extend or modify any deadlines set in civil cases. No motions may be noticed for in-person presentment; the presiding judge will notify parties of the need, if any, for a hearing by electronic means or in-court proceeding. See attached Order. Signed by the Honorable Rebecca R. Pallmeyer on 7/10/2020: Mailed notice. (Clerk10, Docket) (Entered: 07/10/2020) |
| 07/13/2020 | <u>11</u> | MINUTE entry before the Honorable Thomas M. Durkin:A joint status report is to be filed by 9/8/2020. Instructions may be found on Judge Durkin's webpage under new and reassigned cases.Mailed notice (srn,) (Entered: 07/13/2020) |
| 07/17/2020 | <u>12</u> | MOTION by Plaintiff Commodity Futures Trading Commission for service by publication (Attachments: # <u>1</u> Declaration)(Burden, Ashley) (Entered: 07/17/2020) |

| | | |
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| 07/30/2020 | 13 | MINUTE entry before the Honorable Thomas M. Durkin: Plaintiff CFTC's unopposed motion for an order permitting alternative service pursuant to FRCP 4(e)(1) 12 is granted. Mailed notice (sxw,) (Entered: 07/30/2020) |
| 07/31/2020 | 14 | ATTORNEY Appearance for Defendants James A. Donelson, Long Leaf Trading Group, Inc. by Laurence M. Landsman (Landsman, Laurence) (Entered: 07/31/2020) |
| 07/31/2020 | 15 | SUMMONS Returned Executed by Commodity Futures Trading Commission as to Andrew D. Nelson on 7/31/2020, answer due 8/21/2020. (Burden, Ashley) (Entered: 07/31/2020) |
| 08/04/2020 | 16 | ATTORNEY Appearance for Defendant James A. Donelson by Nicholas P. Iavarone <i>and for Long Leaf Trading Group, Inc.</i> (Iavarone, Nicholas) (Entered: 08/04/2020) |
| 08/31/2020 | 17 | UNOPPOSED MOTION by Defendant Jeremy S. Ruth for extension of time. (aee,) (Entered: 08/31/2020) |
| 09/03/2020 | 18 | REPORT of Rule 26(f) Planning Meeting by Commodity Futures Trading Commission (Burden, Ashley) (Entered: 09/03/2020) |
| 09/03/2020 | 19 | MOTION by Defendants James A. Donelson, Long Leaf Trading Group, Inc. for extension of time to file answer regarding complaint 1 <i>Agreed Motion</i> (Landsman, Laurence) (Entered: 09/03/2020) |
| 09/03/2020 | 20 | NOTICE by James A. Donelson, Long Leaf Trading Group, Inc. <i>Agreed Motion for Extension</i> (Landsman, Laurence) (Entered: 09/03/2020) |
| 09/18/2020 | 21 | ANSWER to Complaint with Jury Demand by James A. Donelson(Iavarone, Nicholas) (Entered: 09/18/2020) |
| 09/18/2020 | 22 | NOTICE by James A. Donelson re answer to complaint 21 (Iavarone, Nicholas) (Entered: 09/18/2020) |
| 09/21/2020 | 23 | ANSWER to Complaint with Jury Demand by Long Leaf Trading Group, Inc.(Iavarone, Nicholas) (Entered: 09/21/2020) |
| 09/21/2020 | 24 | NOTICE by Long Leaf Trading Group, Inc. re answer to complaint 23 (Iavarone, Nicholas) (Entered: 09/21/2020) |
| 09/22/2020 | 25 | ATTORNEY Appearance for Plaintiff Commodity Futures Trading Commission by Joseph Platt (Platt, Joseph) (Entered: 09/22/2020) |
| 09/29/2020 | 26 | MOTION by Defendant James A. Donelson to amend/correct <i>His Answer</i> (Iavarone, Nicholas) (Entered: 09/29/2020) |
| 09/29/2020 | 27 | NOTICE by James A. Donelson re MOTION by Defendant James A. Donelson to amend/correct <i>His Answer</i> 26 (Iavarone, Nicholas) (Entered: 09/29/2020) |
| 09/29/2020 | 28 | NOTICE of Motion by Nicholas P. Iavarone for presentment of motion to amend/correct 26 before Honorable Thomas M. Durkin on 10/6/2020 at 09:00 AM. (Iavarone, Nicholas) (Entered: 09/29/2020) |
| 09/29/2020 | 29 | MINUTE entry before the Honorable Thomas M. Durkin: Motion to filed corrected answer 26 is granted. Mailed notice. (ecw,) (Entered: 09/29/2020) |

| | | |
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| 09/30/2020 | 30 | Corrected ANSWER to Complaint with Jury Demand by James A. Donelson(Iavarone, Nicholas) (Entered: 09/30/2020) |
| 09/30/2020 | 31 | NOTICE by James A. Donelson re answer to complaint 30 (Iavarone, Nicholas) (Entered: 09/30/2020) |
| 10/29/2020 | 32 | MINUTE entry before the Honorable Thomas M. Durkin: A joint written status report is due by 11/12/2020. Mailed notice. (ecw,) (Entered: 10/29/2020) |
| 10/29/2020 | 33 | MOTION by Attorney Nicholas P. Iavarone to withdraw as attorney for James A. Donelson. No party information provided (Iavarone, Nicholas) (Entered: 10/29/2020) |
| 10/29/2020 | 34 | NOTICE by James A. Donelson re MOTION by Attorney Nicholas P. Iavarone to withdraw as attorney for James A. Donelson. No party information provided 33 (Iavarone, Nicholas) (Entered: 10/29/2020) |
| 10/29/2020 | 35 | MINUTE entry before the Honorable Thomas M. Durkin: Motion to withdraw as attorney 33 is granted. Attorney Nicholas P. Iavarone terminated. Mailed notice. (ecw,) (Entered: 10/29/2020) |
| 11/02/2020 | 36 | ANSWER to Complaint with Jury Demand by Jeremy S. Ruth(May, Andrew) (Entered: 11/02/2020) |
| 11/02/2020 | 37 | ATTORNEY Appearance for Defendant Jeremy S. Ruth by Andrew S. May (May, Andrew) (Entered: 11/02/2020) |
| 11/10/2020 | 38 | Defendant, Jeremy Ruth's Initial Disclosures Pursuant to FRCP 26(A)(1) by Jeremy S. Ruth (May, Andrew) (Entered: 11/10/2020) |
| 11/12/2020 | 39 | STATUS Report by Commodity Futures Trading Commission (Platt, Joseph) (Entered: 11/12/2020) |
| 11/13/2020 | 40 | MINUTE entry before the Honorable Thomas M. Durkin: Motions for extension of time to answer 17 and 19 are terminated as moot. Fact discovery ordered closed by 5/1/2021. A telephone status conference is set for 2/16/2021 at 9:00 a.m. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Mailed notice. (ecw,) (Entered: 11/13/2020) |
| 11/16/2020 | 41 | ATTORNEY Appearance for Defendants James A. Donelson, Long Leaf Trading Group, Inc. by James M. Falvey (Attachments: # 1 Certificate of Service for Defendants Long Leaf & James Donelson)(Falvey, James) (Entered: 11/16/2020) |
| 11/17/2020 | 42 | MOTION by Attorney Laurence M Landsman to withdraw as attorney for James A. Donelson, Long Leaf Trading Group, Inc.. No party information provided (Landsman, Laurence) (Entered: 11/17/2020) |
| 11/17/2020 | 43 | NOTICE by James A. Donelson, Long Leaf Trading Group, Inc. re MOTION by Attorney Laurence M Landsman to withdraw as attorney for James A. Donelson, Long Leaf Trading Group, Inc.. No party information provided 42 (Landsman, Laurence) (Entered: 11/17/2020) |
| 11/17/2020 | 44 | MINUTE entry before the Honorable Thomas M. Durkin: Motion to withdraw as attorney 42 is granted. Attorney Laurence M. Landsman terminated. Mailed notice. (ecw,) (Entered: 11/17/2020) |



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| 12/15/2020 | 45 | NOTICE of Motion by Joseph Platt for presentment of before Honorable Thomas M. Durkin on 12/23/2020 at 09:00 AM. (Platt, Joseph) (Entered: 12/15/2020) |
| 12/15/2020 | 46 | MOTION by Plaintiff Commodity Futures Trading Commission for entry of default <i>against Andrew Nelson</i> (Attachments: # 1 Declaration in support of CFTC's motion for entry of Andrew Nelson's default)(Platt, Joseph) (Entered: 12/15/2020) |
| 12/15/2020 | 47 | MINUTE entry before the Honorable Thomas M. Durkin: Hearing on the motion for entry of default against Andrew Nelson 46 set for 12/23/2020 at 9:00 a.m. will proceed by telephone. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Mailed notice. (ecw,) (Entered: 12/15/2020) |
| 12/22/2020 | 48 | MOTION by Movant Edward Johnson III to quash (Attachments: # 1 Exhibit CFTC SUBPOENA)(Johnson, Edward) (Entered: 12/22/2020) |
| 12/23/2020 | 49 | MINUTE entry before the Honorable Thomas M. Durkin: Motion hearing held by telephone on 12/23/2020 regarding motion for entry of default 46 . Andrew Nelson did not appear, and no one appeared on his behalf. Motion for entry of default 46 is granted. The motion to quash 48 is entered and continued to 12/28/2020 at 9:00 a.m. To join the telephone motion hearing, dial 877-402-9757, Access Code 4410831. The telephone status hearing previously set for 2/16/2021 is to stand. Mailed notice. (ecw,) (Entered: 12/23/2020) |
| 12/23/2020 |  | (Court only) ***Deadlines and hearings Terminated. (ecw,) (Entered: 12/23/2020) |
| 12/27/2020 | 50 | RESPONSE by Commodity Futures Trading Commission in Opposition to MOTION by Movant Edward Johnson III to quash 48 (Attachments: # 1 Exhibit A)(Burden, Ashley) (Entered: 12/27/2020) |
| 12/28/2020 | 51 | RESPONSE by Commodity Futures Trading Commission in Opposition to MOTION by Movant Edward Johnson III to quash 48 <i>Corrected Response</i> (Attachments: # 1 Exhibit A)(Burden, Ashley) (Entered: 12/28/2020) |
| 12/28/2020 | 52 | MINUTE entry before the Honorable Thomas M. Durkin: Motion hearing held on 12/28/2020 regarding motion to quash 48 . For the reasons stated on the record, the motion to quash 48 is denied without prejudice. Mailed notice. (ecw,) (Entered: 12/28/2020) |
| 01/04/2021 | 53 | MOTION by Plaintiff Commodity Futures Trading Commission direct clerk to sign and seal Hague Convention request form <i>unopposed</i> (Attachments: # 1 Exhibit A Hague Request Form, # 2 Exhibit B Correspondence)(Burden, Ashley) (Entered: 01/04/2021) |
| 01/04/2021 | 54 | MINUTE entry before the Honorable Thomas M. Durkin: Unopposed motion for signed and sealed Spanish-language Hague Request Forms 53 is granted. The Clerk's Office is directed to sign and seal the request form provided with the motion in triplicate, and to provide the originals of such documents to the CFTC. Mailed notice. (ecw,) (Entered: 01/04/2021) |
| 01/08/2021 | 55 | MOTION by Attorney May to withdraw as attorney for Jeremy S. Ruth. New address information: Jeremy Ruth, 11220 Brista Way, Austin, TX 78726 (Attachments: # 1 Supplement Notification of Party Contact Information)(May, |

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| | | Andrew) (Entered: 01/08/2021) |
| 01/08/2021 | 56 | MINUTE entry before the Honorable Thomas M. Durkin: A telephone hearing as to the motion to withdraw as attorney 55 is set for 1/19/2021 at 9:00 a.m. Defendant Jeremy Ruth is required to be on the call unless he has obtained new counsel by that time. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 01/08/2021) |
| 01/08/2021 | 57 | MOTION by Plaintiff Commodity Futures Trading Commission to compel <i>interrogatory responses from Defendant Jeremy Ruth</i> (Attachments: # 1 Declaration in support of CFTC motion to compel interrogatory responses)(Platt, Joseph) (Entered: 01/08/2021) |
| 01/11/2021 | 58 | MINUTE entry before the Honorable Thomas M. Durkin: Telephone hearing on the motion to compel interrogatory responses from Defendant Jeremy Ruth 57 is set for the same time, and with the same dial in information, as the hearing on the motion to withdraw as attorney 55 . Mailed notice. (ecw,) (Entered: 01/11/2021) |
| 01/19/2021 | 59 | MINUTE entry before the Honorable Thomas M. Durkin: Motion hearing held by telephone on 1/19/2021. Motion to compel 57 is entered and continued. A telephone status hearing on the motion to withdraw as attorney 55 is set for 1/26/2021 at 9:00 a.m. Mr. Ruth is required to be on the call. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. The telephone status hearing previously set for 2/16/2021 stands. Mailed notice. (ecw,) (Entered: 01/19/2021) |
| 01/26/2021 | 60 | MINUTE entry before the Honorable Thomas M. Durkin: Telephone status hearing held on 1/26/2021. A continued telephone status hearing on the motion to withdraw as attorney 55 is set for 2/3/2021 at 9:00 a.m. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 01/26/2021) |

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| 02/03/2021 | 61 | MINUTE entry before the Honorable Thomas M. Durkin: Telephone status hearing held on 2/3/2021. Jeremy Ruth was present on the call. Attorney Andrew May's motion to withdraw as attorney for Mr. Ruth 55 is granted without objection. Mr. Ruth is to respond to plaintiff's interrogatories by 2/17/2021, and is required to be on the call for the telephone status hearing scheduled for 2/16/2021 at 9:00 a.m. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 02/03/2021) |
| 02/13/2021 | 62 | MOTION by Plaintiff Commodity Futures Trading Commission to compel <i>discovery responses from Defendants Long Leaf Trading Group, Inc. and James Donelson</i> (Attachments: # 1 Declaration in support of CFTC's motion to compel discovery responses)(Platt, Joseph) (Entered: 02/13/2021) |
| 02/16/2021 | 63 | RESPONSE by James A. Donelson, Long Leaf Trading Group, Inc.in Opposition to MOTION by Plaintiff Commodity Futures Trading Commission to compel <i>discovery responses from Defendants Long Leaf Trading Group, Inc. and James Donelson</i> 62 (Falvey, James) (Entered: 02/16/2021) |
| 02/16/2021 | 64 | MINUTE entry before the Honorable Thomas M. Durkin: Telephone status hearing held on 2/16/2021. The motion to compel 62 is denied as moot. Defendants Long Leaf Trading Group, Inc. and James Donelson are to comply with the discovery requests by 2/26/2021. Parties may email the courtroom deputy a new agreed discovery cut-off. A telephone status hearing is set for 4/5/2021 at 9:00 a.m. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 02/16/2021) |
| 03/12/2021 | 65 | MINUTE entry before the Honorable Thomas M. Durkin: The parties have requested that the Court modify the 2/16/2021 scheduling order 18 . The 5/1/2021 fact discovery deadline and expert discovery deadline is extended to 6/30/2021. The 4/5/2021 telephone status hearing is reset for 7/1/2021 at 9:00 a.m. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by |

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| | | the Court. Mailed notice. (ecw,) (Entered: 03/12/2021) |
| 03/19/2021 | 66 | MINUTE entry before the Honorable Thomas M. Durkin: On the request of the CFTC, the following expert discovery deadlines are entered. The close of fact discovery will be 6/30/2021. The deadline to exchange expert reports, if any, will be 8/11/2021. The deadline to exchange expert rebuttal reports, if any, will be 9/22/2021. The close of expert discovery will be 10/6/2021. Mailed notice. (ecw,) (Entered: 03/19/2021) |
| 03/19/2021 | 67 | MOTION by Plaintiff Commodity Futures Trading Commission to compel <i>the deposition of Defendant Jeremy Ruth</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(Burden, Ashley) (Entered: 03/19/2021) |
| 03/19/2021 | 68 | MINUTE entry before the Honorable Thomas M. Durkin: A telephone hearing as to the motion to compel 67 is set for 3/29/2021 at 9:00 a.m. Defendant Jeremy Ruth is required to be on the call. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 03/19/2021) |
| 03/29/2021 | 69 | MINUTE entry before the Honorable Thomas M. Durkin: Motion hearing held by telephone on 3/29/2021. For the reasons stated on the record, the motion to compel interrogatory responses from Defendant Jeremy Ruth 57 is denied as moot. Motion to compel the deposition of Defendant Jeremy Ruth 67 is also denied as moot. The parties agreed to schedule Mr. Ruth's deposition for 6/4/2021 at 9:00 a.m. The telephone status hearing previously set for 7/1/2021 at 9:00 a.m. stands. Mr. Ruth is required to be on the call. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 03/29/2021) |
| 04/07/2021 | 70 | MOTION by Plaintiff Commodity Futures Trading Commission for protective order (Attachments: # 1 Exhibit proposed confidentiality order)(Platt, Joseph) (Entered: 04/07/2021) |
| 04/08/2021 | 71 | MINUTE entry before the Honorable Thomas M. Durkin: Motion for protective order 70 is granted. Enter order. Mailed notice. (ecw,) (Entered: 04/08/2021) |
| 04/08/2021 | 72 | CONFIDENTIALITY Order. Signed by the Honorable Thomas M. Durkin on 4/8/2021. Mailed notice. (ecw,) (Entered: 04/08/2021) |

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| 07/01/2021 | 73 | MINUTE entry before the Honorable Thomas M. Durkin: Telephone status hearing held on 7/1/2021. Mr. Ruth was not present on the call. Parties reported that fact discovery has closed, and that they still expect to make the expert discovery deadlines that were previously set. Expert discovery is to close on 10/6/2021. A telephone status hearing is set for 10/6/2021 at 9:00 a.m. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 07/01/2021) |
| 09/24/2021 | 74 | MINUTE entry before the Honorable Thomas M. Durkin: Off the record summary judgment conference held by telephone on 9/24/2021. CFTC's motion for summary judgment is due 11/5/2021. Defendants' responses are due 12/17/2021. CFTC's reply is due 1/7/2022. Mailed notice. (ecw,) (Entered: 09/24/2021) |
| 09/28/2021 | 75 | MINUTE entry before the Honorable Thomas M. Durkin: The telephone status hearing set for 10/6/2021 is vacated. Mailed notice. (ecw,) (Entered: 09/28/2021) |
| 11/04/2021 | 76 | MOTION by Plaintiff Commodity Futures Trading Commission for partial summary judgment <i>against Defendant Jeremy S. Ruth</i> (Attachments: # 1 Exhibit Statement of Undisputed Facts, # 2 Exhibit 93, # 3 Exhibit 94, # 4 Exhibit 110, # 5 Exhibit 121, # 6 Exhibit 122, # 7 Exhibit 124, # 8 Exhibit 125, # 9 Exhibit 126, # 10 Exhibit 128, # 11 Exhibit 129, # 12 Exhibit 134, # 13 Exhibit 141, # 14 Exhibit 142, # 15 Exhibit 148, # 16 Exhibit 149, # 17 Exhibit 330, # 18 Exhibit 346, # 19 Exhibit 525, # 20 Exhibit 532, # 21 Exhibit 533, # 22 Exhibit 534, # 23 Exhibit 535)(Burden, Ashley) (Entered: 11/04/2021) |
| 11/05/2021 | 77 | MOTION by Plaintiff Commodity Futures Trading Commission for partial summary judgment <i>against Defendant James A. Donelson</i> (Attachments: # 1 Exhibit Statement of Undisputed Facts, # 2 Exhibit 52, # 3 Exhibit 65, # 4 Exhibit 66, # 5 Exhibit 67, # 6 Exhibit 71, # 7 Exhibit 200, # 8 Exhibit 201, # 9 Exhibit 274, # 10 Exhibit 300, # 11 Exhibit 397, # 12 Exhibit 409, # 13 Exhibit 414, # 14 Exhibit 470, # 15 Exhibit 528, # 16 Exhibit 529, # 17 Exhibit 530, # 18 Exhibit 531, # 19 Exhibit 535, # 20 Exhibit 536, # 21 Exhibit 537, # 22 Exhibit 538)(Burden, Ashley) (Entered: 11/05/2021) |
| 11/05/2021 | 78 | MOTION by Plaintiff Commodity Futures Trading Commission for leave to file excess pages <i>IN SUPPORT OF ITS MOTIONS FOR SUMMARY JUDGMENT AGAINST DEFENDANTS LONG LEAF TRADING GROUP, INC. AND JAMES DONELSON</i> (Burden, Ashley) (Entered: 11/05/2021) |
| 11/05/2021 | 79 | MOTION by Plaintiff Commodity Futures Trading Commission for partial summary judgment <i>Against Defendant Long Leaf Trading Group, Inc.</i> (Attachments: # 1 Exhibit Statement of Undisputed Facts, # 2 Exhibit 5, # 3 Exhibit 37, # 4 Exhibit 41, # 5 Exhibit 52, # 6 Exhibit 65, # 7 Exhibit 66, # 8 Exhibit 67, # 9 Exhibit 71, # 10 Exhibit 96)(Burden, Ashley) (Entered: 11/05/2021) |

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| 11/05/2021 | 80 | SUPPLEMENT to motion for partial summary judgment, 79 <i>additional exhibits</i> (Attachments: # 1 Exhibit 107, # 2 Exhibit 124, # 3 Exhibit 125, # 4 Exhibit 126, # 5 Exhibit 134, # 6 Exhibit 141, # 7 Exhibit 142, # 8 Exhibit 185, # 9 Exhibit 192, # 10 Exhibit 200)(Burden, Ashley) (Entered: 11/05/2021) |
| 11/05/2021 | 81 | SUPPLEMENT to motion for partial summary judgment, 79 <i>additional exhibits</i> (Attachments: # 1 Exhibit 201, # 2 Exhibit 211, # 3 Exhibit 213, # 4 Exhibit 214, # 5 Exhibit 296, # 6 Exhibit 300, # 7 Exhibit 346, # 8 Exhibit 409, # 9 Exhibit 414, # 10 Exhibit 422)(Burden, Ashley) (Entered: 11/05/2021) |
| 11/05/2021 | 82 | SUPPLEMENT to motion for partial summary judgment, 79 <i>additional exhibits</i> (Attachments: # 1 Exhibit 470, # 2 Exhibit 528, # 3 Exhibit 529, # 4 Exhibit 530, # 5 Exhibit 531, # 6 Exhibit 533, # 7 Exhibit 535, # 8 Exhibit 538, # 9 Exhibit 539, # 10 Exhibit 540, # 11 Exhibit 541, # 12 Exhibit 542, # 13 Exhibit 543)(Burden, Ashley) (Entered: 11/05/2021) |
| 11/08/2021 | 83 | DIGITAL EXHIBIT submitted by Commodity Futures Trading Commission regarding 76 For more information, please visit https://www.ilnd.uscourts.gov/ExhibitDrop . If you wish to download a digital exhibit, please send your request to the Certified Copy Desk (CCD) inbox at CCD_ILND@ilnd.uscourts.gov . You will be provided with an invoice and charged according to the Fee Schedule. Once your payment has been processed, you will receive a URL via email to download the exhibit. (cxr,) (Entered: 11/08/2021) |
| 11/08/2021 |  84 | (Court only) DIGITAL EXHIBIT submitted by Commodity Futures Trading Commission regarding 76 (cxr,) (Entered: 11/08/2021) |
| 11/08/2021 | 85 | DIGITAL EXHIBIT submitted by Commodity Futures Trading Commission regarding 79 For more information, please visit https://www.ilnd.uscourts.gov/ExhibitDrop . If you wish to download a digital exhibit, please send your request to the Certified Copy Desk (CCD) inbox at CCD_ILND@ilnd.uscourts.gov . You will be provided with an invoice and charged according to the Fee Schedule. Once your payment has been processed, you will receive a URL via email to download the exhibit. (cxr,) (Entered: 11/08/2021) |
| 11/08/2021 |  86 | (Court only) DIGITAL EXHIBIT submitted by Commodity Futures Trading Commission regarding 79 (cxr,) (Entered: 11/08/2021) |
| 11/08/2021 | 87 | MINUTE entry before the Honorable Thomas M. Durkin: Unopposed motion for leave to file excess pages 78 is granted. Mailed notice. (ecw,) (Entered: 11/08/2021) |
| 11/08/2021 | 88 | L.R. 56.2 Notice to Unrepresented Litigants Opposing Summary Judgment by Commodity Futures Trading Commission (Burden, Ashley) (Entered: 11/08/2021) |

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| 11/22/2021 | 89 | MOTION by Plaintiff Commodity Futures Trading Commission for service by publication <i>upon Defendant Evans</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(Burden, Ashley) (Entered: 11/22/2021) |
| 11/23/2021 | 90 | MINUTE entry before the Honorable Thomas M. Durkin: Unopposed motion for alternative service upon Defendant Timothy M. Evans 89 is granted. Mailed notice. (ecw,) (Entered: 11/23/2021) |
| 11/30/2021 | 91 | SUMMONS Returned Executed by Commodity Futures Trading Commission as to Timothy M. Evans on 11/30/2021, answer due 12/21/2021. (Burden, Ashley) (Entered: 11/30/2021) |
| 12/14/2021 | 92 | MINUTE entry before the Honorable Thomas M. Durkin: Mr. Ruth, Mr. Donelson and Long Leaf requested via email an extension of time to respond to the motion for summary judgment. Defendants' responses are now due by 2/28/2022. CFTC's reply is due by 3/21/2022. Mailed notice. (ecw,) (Entered: 12/14/2021) |
| 12/16/2021 | 93 | ATTORNEY Appearance for Defendant James A. Donelson by Charles Edward McElvenny (McElvenny, Charles) (Entered: 12/16/2021) |
| 02/28/2022 | 94 | MOTION by Defendants James A. Donelson, Long Leaf Trading Group, Inc. for extension of time to file response/reply as to motion for partial summary judgment, 79 , motion for partial summary judgment,, 77 (McElvenny, Charles) (Entered: 02/28/2022) |
| 02/28/2022 | 95 | MINUTE entry before the Honorable Thomas M. Durkin: Unopposed motion for extension of time to file response 94 is granted. Mr. Ruth's, Mr. Donelson's and Long Leaf's responses to the motions for summary judgment are due by 3/4/2022. CFTC's reply is due by 3/25/2022. Mailed notice. (ecw,) (Entered: 02/28/2022) |
| 03/04/2022 | 96 | MEMORANDUM by James A. Donelson in Opposition to motion for partial summary judgment,, 77 (Attachments: # 1 Exhibit Response to Statement of Facts, # 2 Exhibit Statement of Additional Facts, # 3 Exhibit Exhibit 1 to Statement of Additional Facts, # 4 Exhibit Exhibit 2 to Statement of Additional Facts, # 5 Exhibit Wing Deposition Transcript)(McElvenny, Charles) (Entered: 03/04/2022) |
| 03/04/2022 | 97 | RESPONSE by Defendant Jeremy S. Ruth to CFTC's statement of facts. (daj,) (Entered: 03/07/2022) |
| 03/04/2022 | 98 | STATEMENT of additional facts by Jeremy S. Ruth. (daj,) (Entered: 03/07/2022) |
| 03/04/2022 | 99 | RESPONSE by Jeremy S. Ruth to MOTION by Plaintiff Commodity Futures Trading Commission for partial summary judgment <i>against Defendant Jeremy S. Ruth</i> 76 (daj,) (Entered: 03/07/2022) |
| 03/25/2022 | 100 | REPLY by Commodity Futures Trading Commission to MOTION by Plaintiff Commodity Futures Trading Commission for partial summary judgment <i>against Defendant Jeremy S. Ruth</i> 76 (Burden, Ashley) (Entered: 03/25/2022) |

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| 03/25/2022 | <u>101</u> | REPLY by Commodity Futures Trading Commission to MOTION by Plaintiff Commodity Futures Trading Commission for partial summary judgment <i>against Defendant James A. Donelson</i> <u>77</u> (Burden, Ashley) (Entered: 03/25/2022) |
| 04/20/2022 | <u>102</u> | NOTICE by Ashley John Burden of Change of Address (Burden, Ashley) (Entered: 04/20/2022) |
| 04/20/2022 | <u>103</u> | NOTICE by Elizabeth M. Streit of Change of Address (Streit, Elizabeth) (Entered: 04/20/2022) |
| 04/21/2022 | <u>104</u> | NOTICE by Scott Robert Williamson of Change of Address (Williamson, Scott) (Entered: 04/21/2022) |
| 04/25/2022 | <u>105</u> | NOTICE by Joseph Platt of Change of Address (Platt, Joseph) (Entered: 04/25/2022) |
| 07/27/2022 | <u>106</u> | MEMORANDUM Opinion and Order: For the reasons stated in the attached Memorandum Opinion and Order, the CFTC's motions for partial summary judgment against James Donelson R. <u>77</u> , Jeremy Ruth R. <u>76</u> , and Long Leaf Trading Group R. <u>79</u> are granted. Long Leaf is ordered to pay \$5,767,145 in restitution and \$4,010,994 in disgorgement. Donelson shall be considered jointly and severally liable with Long Leaf for \$2,376,738 in restitution and \$1,235,413 in disgorgement. Any amount owed by a party in disgorgement shall be offset by all sums paid toward restitution. Ruth is ordered to pay \$301,541.39, constituting both restitution and disgorgement. Signed by the Honorable Thomas M. Durkin on 7/27/2022. Mailed notice. (ecw,) (Entered: 07/27/2022) |
| 07/27/2022 | <u>107</u> | MINUTE entry before the Honorable Thomas M. Durkin: A telephone status hearing is set for 9/12/2022 at 9:00 a.m., but the Court expects to vacate the status hearing if any party comes in on a motion before that date. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 07/27/2022) |
| 08/11/2022 | <u>108</u> | MOTION by Plaintiff Commodity Futures Trading Commission for entry of default <i>against Defendant Timothy Evans</i> (Burden, Ashley) (Entered: 08/11/2022) |
| 08/11/2022 | <u>109</u> | MINUTE entry before the Honorable Thomas M. Durkin: A telephonic hearing as to the motion for entry of default against Defendant Timothy M. Evans <u>108</u> is set for 8/30/2022 at 9:15 a.m. Notice is to be provided to the defendant in the same manner that notice of the complaint was served. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media |

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| | | credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 08/11/2022) |
| 08/16/2022 | <u>110</u> | DECLARATION of Ashley J. Burden regarding set motion and R&R deadlines/hearings,,, <u>109</u> , motion for entry of default <u>108</u> <i>re service of default papers upon Def. Evans</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Burden, Ashley) (Entered: 08/16/2022) |
| 08/23/2022 | <u>111</u> | MOTION by Plaintiff Commodity Futures Trading Commissioninjunctive relief and civil monetary penalties (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Burden, Ashley) (Entered: 08/23/2022) |
| 08/24/2022 | <u>112</u> | MINUTE entry before the Honorable Thomas M. Durkin: The telephonic status hearing set for 9/12/2022 is vacated. The motion hearing set for 8/30/2022 at 9:15 a.m. stands. Mailed notice. (ecw,) (Entered: 08/24/2022) |
| 08/24/2022 | <u>113</u> | proposed briefing schedule positions by Commodity Futures Trading Commission (Attachments: # <u>1</u> Exhibit A)(Burden, Ashley) (Entered: 08/24/2022) |
| 08/24/2022 | <u>114</u> | MINUTE entry before the Honorable Thomas M. Durkin: The Court enters the following briefing schedule as to the Motion for Entry of Supplemental Relief Against Defendants Donelson, Long Leaf Trading, and Ruth <u>111</u> : Responses are due by 9/23/2022; Reply is due by 10/7/2022. Mailed notice. (ecw,) (Entered: 08/24/2022) |
| 08/30/2022 | <u>115</u> | MINUTE entry before the Honorable Thomas M. Durkin: Motion hearing held by telephone on 8/30/2022. For the reasons stated on the record, Plaintiff CFTC's motion for entry of Clerk's default against Defendant Timothy M. Evans <u>108</u> is granted without objection. Mailed notice. (ecw,) (Entered: 08/30/2022) |
| 09/23/2022 | <u>116</u> | RESPONSE by James A. Donelsonin Opposition to MOTION by Plaintiff Commodity Futures Trading Commissioninjunctive relief and civil monetary penalties <u>111</u> (McElvenny, Charles) (Entered: 09/23/2022) |
| 10/05/2022 | <u>117</u> | REPLY by Commodity Futures Trading Commission to MOTION by Plaintiff Commodity Futures Trading Commissioninjunctive relief and civil monetary penalties <u>111</u> , response in opposition to motion <u>116</u> (Burden, Ashley) (Entered: 10/05/2022) |
| 12/06/2022 | <u>118</u> | MEMORANDUM Opinion and Order: For the reasons stated in the attached Memorandum Opinion and Order, the Court grants in part the CFTC's motion for supplemental relief. The Court permanently enjoins Defendants from (1) trading commodity interests, directly or indirectly, for themselves or on behalf of others; (2) applying for registration or acting in any capacity that requires registration; and (3) violating the Act or any Regulations. Donelson is jointly and severally liable with Long Leaf for a civil monetary penalty of \$617,706.50. Long Leaf is further ordered to pay a civil monetary penalty of \$1,387,790.50. Ruth is ordered to pay a civil monetary penalty of \$150,770.50. The civil monetary penalties are immediately due and owing, but only after Defendants' restitution and disgorgement obligations have been satisfied should any payments be applied to satisfy any portion of the civil monetary penalties. Signed by the Honorable Thomas M. Durkin on 12/6/2022. Mailed notice. (ecw,) (Entered: 12/06/2022) |

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| 01/18/2023 | <u>119</u> | MOTION by Plaintiff Commodity Futures Trading Commission for default judgment as to <i>Defendant Timothy Evans</i> (Attachments: # <u>1</u> Exhibit A)(Burden, Ashley) (Entered: 01/18/2023) |
| 01/18/2023 | <u>120</u> | MOTION by Plaintiff Commodity Futures Trading Commission for default judgment as to <i>Defendant Andrew Nelson</i> (Attachments: # <u>1</u> Exhibit A)(Burden, Ashley) (Entered: 01/18/2023) |
| 01/18/2023 | <u>121</u> | MINUTE entry before the Honorable Thomas M. Durkin: A telephone hearing on the motion for default judgment as to Defendant Timothy Evans <u>119</u> and on the motion for default judgment as to Defendant Andrew Nelson <u>120</u> is set for 2/3/2023 at 9:45 a.m. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 01/18/2023) |
| 02/03/2023 | <u>122</u> | MINUTE entry before the Honorable Thomas M. Durkin: Motion hearing held by telephone on 2/3/2023. No one appeared on behalf of Defendants Evans or Nelson. For the reasons stated on the record, CFTC's Motion for Entry of Default Judgment against Defendant Timothy M. Evans <u>119</u> is granted, and CFTC's Motion for Entry of Default Judgment against Defendant Andrew D. Nelson <u>120</u> is granted. A default judgment is entered against Timothy M. Evans. Evans is found liable of the violations of the Act and Regulations set forth in the complaint. Evans is ordered to pay restitution in the amount of \$3,390,407, disgorgement in the amount of \$3,083,978, and a CMP in the amount of \$9,251,934. Evans is enjoined from (a) engaging in substantially any activity relating to commodity interests, i.e., a "trading ban;" (b) applying for registration or acting in a capacity that requires registration by Defendants, i.e., a "registration ban;" and (c) further violative conduct of the kind described in the Complaint. A default judgment is entered against Andrew D. Nelson. Nelson is found liable of the violations of the Act and Regulations set forth in the complaint. Nelson is ordered to pay restitution in the amount of \$26,356, and disgorgement in the same amount, with an offset thereto for any payments made towards restitution, and a CMP in the amount of \$199,094. Nelson is enjoined from (a) engaging in substantially any activity relating to commodity interests, i.e., a "trading ban;" (b) applying for registration or acting in a capacity that requires registration by Defendants, i.e., a "registration ban;" and (c) further violative conduct of the kind described in the Complaint. A telephone status hearing is set for 4/7/2023 at 9:15 a.m. To join the telephone conference, dial 877-402-9757, Access Code 4410831. Members of the public and media will be able to call in to listen to this hearing. Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Mailed notice. (ecw,) (Entered: 02/03/2023) |

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| 03/29/2023 | <u>123</u> | MOTION by Plaintiff Commodity Futures Trading Commission for judgment (Burden, Ashley) (Entered: 03/29/2023) |
| 03/29/2023 | <u>124</u> | MINUTE entry before the Honorable Thomas M. Durkin: CFTC's motion for entry of final judgment <u>123</u> is granted. Enter order. The telephone status hearing set for 4/7/2023 is vacated. Civil case terminated. Mailed notice. (ecw,) (Entered: 03/29/2023) |
| 03/29/2023 | <u>125</u> | FINAL JUDGMENT signed by the Honorable Thomas M. Durkin on 3/29/2023. Mailed notice. (ecw,) (Entered: 03/29/2023) |
| 04/27/2023 | <u>126</u> | NOTICE of appeal by James A. Donelson regarding orders <u>125</u> Filing fee \$ 505, receipt number AILNDC-20582820. Receipt number: n (McElvenny, Charles) (Entered: 04/27/2023) |
| 04/27/2023 | <u>127</u> | DOCKETING Statement by James A. Donelson regarding notice of appeal <u>126</u> (McElvenny, Charles) (Entered: 04/27/2023) |